

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

DAWN GUARINO GEDEON,)	CASE NO.: 4:22-CV-00441-BYP
)	
Plaintiff,)	JUDGE: BENITA PEARSON
)	
vs.)	<u>DEFENDANTS' MOTION TO</u>
)	<u>CONTINUE CASE MANAGEMENT</u>
MICHELLE NICOLE FRENCHKO, et al.,)	<u>DEADLINES</u>
)	
Defendants.)	
)	

Now come Defendants Michelle Nicole Frenchko and Board of Trumbull County Commissioners, by and through counsel, and hereby moves the Court for an extension, as follows, of the Case Management Deadlines established by Order dated September 28, 2022:

Deadline:	Current:	Proposed:
Discovery deadline	February 3, 2023	June 9, 2023
Dispositive motion	March 10, 2023	July 14, 2023
Response	April 7, 2023	August 14, 2023
Reply	April 21, 2023	August 28, 2023

The reason for this requested extension is that discovery has been delayed due to: (1) the large volume of ESI that must be collected and reviewed prior to production; (2) Plaintiff's failure to respond to Defendants' proposal for an alternate ESI search method to obviate the need for Defendants to review 120,000+ documents to respond to Plaintiff's overly broad document requests; (3) Plaintiff's counselor's failure to produce treatment records requested more than three

months ago; and (4) the continued refusal of third-party witnesses to produce documents subpoenaed from them.

At the Court's suggestion,¹ Defendants' counsel contacted Plaintiff's counsel on November 17, 2022 to discuss the volume of ESI and to propose an alternate method to streamline Defendants' search for responsive information. In addition to correspondence, the parties' counsel spoke at length about the proposed alternate method on December 7, 2022. Ultimately, Plaintiff's counsel would not entertain the suggestion proposed by defense counsel until Defendants provided him with all responsive documents contained in the 34,000 ESI documents that defense counsel had reviewed. Defendants provided those 1700+ documents to Plaintiff's counsel on December 19, 2022. A month later, Plaintiff still has not replied to Defendants' proposal except to say -- contrary to Fed.R.Civ.P. 26(b)(1) -- that proportionality should not factor into discoverability when an insurance company is paying defense counsel's fees.

WHEREFORE, for good cause shown, Defendant respectfully requests that the Court adopt the proposed modified case management deadlines set forth above.

Respectfully submitted,

MAZANEC, RASKIN & RYDER CO., L.P.A.

s/Kathleen M. Minahan

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¹ At a telephone status conference on November 16, 2022 in different case involving the Board of Trumbull County Commissioners, *Vivoda-Klotz v. Trumbull County Board of Commissioners*, Case No. 22-cv-01005, the Court and the parties discussed the enormous volume of ESI that Defendants had to review in order to respond to discovery requests. The Court suggested that defense counsel address this obstacle with her opposing counsels in the other Trumbull County cases pending before the Court (*i.e.*, *Cook v. Board of Trumbull County Commissioners*, Case No. 22-cv-00077 and *Gedeon v. Frenchko, et al*, Case No. 22-cv-00441). Defense counsel did so, with varying degrees of success.

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*Counsel for Defendants Michelle Nicole Frenchko
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CERTIFICATE OF SERVICE

I hereby certify that on January 27, 2023, a copy of the foregoing Defendants' Motion to Continue Case Management Deadlines was filed electronically. Notice of this filing will be sent to all registered parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

s/Kathleen M. Minahan

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*Counsel for Defendants Michelle Nicole Frenchko
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